

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

)	:	
KINETIC CONCEPTS, INC.,)	:	
KCI LICENSING, INC., KCI USA, INC.,)	:	
KCI MEDICAL RESOURCES,)	:	
MEDICAL HOLDINGS LIMITED,)	:	No. 1:08-CV-00918-TDS-WWD
KCI MANUFACTURING and)	:	
WAKE FOREST UNIVERSITY)	:	
HEALTH SCIENCES)	:	
)	:	
Plaintiffs,)	:	
)	:	
vs.)	:	
)	:	
CONVATEC INC.,)	:	
BOEHRINGER WOUND)	:	
SYSTEMS, LLC, and BOEHRINGER)	:	
TECHNOLOGIES, LP)	:	
)	:	
Defendants.)	:	

JOINT STIPULATED SCHEDULING ORDER

The parties have conferred and stipulate to the following discovery and claim construction schedules:

1. Fact and Expert Discovery

- (a) The deadline for leave to amend pleadings and to add parties: November 3, 2009. After this date, the court will grant leave for good cause.
- (b) Close of Fact Discovery: December 3, 2009.

- (c) Expert reports required under Rule 26(a)(2)(A) for any issue on which a party carries the burden of proof shall be served by March 1, 2010.
- (d) Each party shall serve its expert rebuttal reports by March 29, 2010.
- (e) Expert discovery shall be completed on or before April 29, 2010.

2 . **Claim Construction Schedule**

- (a) The Parties shall meet and confer concerning the terms and proposed definitions for construction by the Court. By no later than August 24, 2009, the parties shall exchange their disputed terms and proposed definitions.
- (b) Not later than September 14, 2009, Plaintiffs and Defendants shall file their opening claim construction briefs.
- (c) Not later than October 12, 2009, Plaintiffs and Defendants shall file their responsive claim construction briefs.

The Court shall hold a Markman hearing to interpret disputed claim terms on a date to be determined by the court after reviewing the Markman filings.

SO ORDERED:

Date September 1, 2009



Hon. Wallace W. Dixon
United States Magistrate Judge

CONSENTED TO:

/s/ R. Laurence Macon
Kirt S. O'Neill
Karen K. Gulde
Akin Gump Strauss Hauer & Feld, LLP
300 Convent St., Suite 1600
San Antonio, TX 78205
Telephone: 210.281.7000
Fax: 210.224.2035
E-Mail: lmacon@akingump.com

/s/ William K. Davis (NC State Bar No. 1117)
Bell Davis & Pitt, P.A.
POB 21029
Winston-Salem, NC. 27120
Telephone: 336.722.3700
Fax: 336.722.8153
E-Mail: wdavis@belldavispitt.com

Don O. Burley
Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
901 New York Avenue, Nw
Washington, DC 20001
Telephone: 202.408.4000
Fax: 202.408.4400

COUNSEL FOR PLAINTIFFS

/s/ Thomas H. Beck (tbeck@sidley.com)
Todd L. Krause (tkrause@sidley.com)
Asheesh P. Puri (apuri@sidley.com)
Sidley Austin LLP
787 Seventh Avenue
New York, NY 10019
T: (212) 839-5300 F: (212) 839-5599

/s/ Sarah H. Roane (NC State Bar No. 24114)
Ogletree Deakins Nash Smoak & Stewart, P.C.
2725 Horse Pen Creek Rd., Suite 101
Greensboro, NC 27410-8392
T: (336) 375-9737 F: (336) 375-4430
(Sarah.Roane@ogletreedeakins.com)

COUNSEL FOR DEFENDANT
CONVATEC INC.

/s/ Rudolph A. Telscher, Jr. (rtelscher@hdp.com)
Douglas A. Robinson (drobinson@hdp.com)
Harness, Dickey & Pierce, PLC
7700 Bonhomme
Suite 400
Clayton, MO 63105
T: (314) 726-7500 F: (314) 726-7501

/s/ Sarah H. Roane (NC State Bar No. 24114)
Ogletree Deakins Nash Smoak & Stewart, P.C.
2725 Horse Pen Creek Rd., Suite 101
Greensboro, NC 27410-8392
T: (336) 375-9737 F: (336) 375-4430
(Sarah.Roane@ogletreedeakins.com)

COUNSEL FOR DEFENDANTS
BOEHRINGER WOUND SYSTEMS, LLC AND
BOEHRINGER TECHNOLOGIES, LP